

REMARKS

Claim 10 is proposed for amendment to correct an obvious minor informality.

Because it is mathematically inherent in the claims that the % of components cannot add up to more than 100%, the maximum amounts for the polyacrylate and water/solvent components are reduced to 49.5% to be consistent with reflect the at least 50% requirement for the effect pigments. The combination of the minimum 50% for the effect pigments with the minimum of 5% for each of the polyacrylate and water/solvent, makes it necessary that the maximum for the polyacrylate and water/solvent can only be 49.5%.


It is urged that the proposed amendment, submitted after the Notice of Allowance but before payment of the issue fee, be entered. The amendment is made to correct an obvious informality, the correction of which would be clear to one of ordinary skill in the art and is mathematically inherent in the claim. The proposed amendment does not require any additional search or examination by the PTO. Only a cursory review of the record is necessary for entering the amendment. The amended claim is clearly patentable since the scope and nature of the subject matter is unchanged by the amendment; see applicants' remarks on page 7 of the Fourth Amendment after Final filed May 2, 2005, regarding the interpretation of claim 10. Further, if anything, the amendment narrows the claimed scope, thus, the amended claim subject matter is wholly subsumed in the unamended claim 10 and is thus subsumed in the supporting disclosure. The amendment was not earlier presented because the Examiner previously did not agree with this amendment, however, applicants urge that that position be reconsidered since the amendment clearly eliminates potential confusion in interpreting the claim.

Accordingly, it is submitted that the proposed amendment should be entered and the

application forwarded for further action consistent with the Notice of Allowance.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



John A. Sopp
Registration No. 33,103
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Blvd. Suite 1400
Arlington, Virginia 22201
Telephone: (703)243-6333
Facsimile: (703) 243-6410
Attorney Docket No.: MERCK-2320

Date: August 2, 2005